



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

| | | | | |
|--|-------------|----------------------|---------------------|------------------|
| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 10/734,259 | 12/15/2003 | Yasuhiko Nagaoka | 0879-0435P | 1479 |
| 2292 7590 04/22/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | | |
| EXAMINER | | | | |
| ABDI AMARA | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2624 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 04/22/2008 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/734,259

Applicant(s)

NAGAOKA ET AL.

Examiner

Amara Abdi

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13 and 15-22 is/are pending in the application.
4a) Of the above claim(s) 3 and 14 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4-13 and 15-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12/15/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 04th, 2008 has been entered.

Applicant's response to the last Office Action, filed April 04th, 2008 has been entered and made of record.

Claim Objections

2. Claims 4 and 15 are objected to because of the following informalities:

(1) The dependency of claim 4 should be changed from claim 3 to claim 1, since claim 3 is cancelled.

(2) The dependency of claim 15 should be changed from claim 14 to claim 12, since claim 14 is cancelled.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 4-5, 10, 12, 15-16, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al. (US 2004/0264780).

(1) Regarding claims 1 and 12:

Zhang et al. disclose a computer-based method and system for organizing digital photos (paragraph [0004], line 1-2), comprising:

extracting face from a plurality of digital photos (206 in Fig. 2, paragraph [0042], line 6-7, and paragraph [0043], line 1-9);

cropping said plurality of digital photos to generate images of isolated faces (804 and 806 in Fig. 8, Fig. 9, paragraph [0083], line 1-2);

applying a face algorithm to determine the similarity of isolated faces with a reference model (216 in Fig. 2, paragraph [0020], line 8-10);

displaying a plurality of objects arranged as a function of the determined similarity (191 in Fig. 1, paragraph [0036], line 1-5), (the Examiner interpreted the displaying of a plurality of objects arranged as a function of the determined similarity as inherent, because the candidate name list is sorted according to the similarity measure, which is a function of the determined similarity);

receiving user input (paragraph [0076], line 1-2) to associate faces with a particular classification (paragraph [0076], line 11-13), (the annotating of individual faces as multi-class classification is read as the associating of the objects to a particular classification).

(2) Regarding claims 4 and 15:

Zhang et al. further disclose the method and system (paragraph [0004], line 1-2), where isolated faces are displayed in a view that includes an area surrounding the face (Fig. 3 and 4, paragraph [0043], line 3-4).

(3) Regarding claims 5 and 16:

Zhang et al. further disclose the method and system (paragraph [0004], line 1-2) comprising annotating image faces based on said classification (paragraph [0042], line 1-3; and paragraph [0076], line 11-13).

(4) Regarding claims 10 and 21:

Zhang et al. further disclose the method and system (paragraph [0004], line 1-2), where the step of displaying a plurality of faces (paragraph [0036], line 3-4) displays the faces in order of similarity to the reference model (paragraph [0076], line 6-8), (the labeled faces is read as reference mode).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 6-8, 13, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view of Hanna et al. (US 6,714,665).

(1) Regarding claims 2 and 13:

Zhang et al. disclose all the subject matter as described in claim 1 above.

Zhang et al. do not explicitly mention the repeating of the recognition algorithm and the display as more objects are grouped as belonging to a certain identity.

Hanna et al., in analogous environment, teaches a recognition system which obtains and analyze images, where repeating the step 1530 (column 21, line 19), (the repeating of step 1520 is read as the same concept as repeating the steps of recognition algorithm and the display).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Hanna et al., where repeating the step 1520, in the method of Zhang et al. in order to identifying objects or individuals in a passive way that is both fast and accurate (column 1, line 51-53).

(2) Regarding claims 6 and 17:

Zhang et al. disclose all the subject matter as described in claim 1 above.

Zhang et al. do not explicitly mention the controlling of photo presentation based on the classification.

Hanna et al., in analogous environment, teaches a recognition system which obtains and analyze images, where controlling of photo presentation based on the classification (column 12, line 6-8, and line 18-22), (the photo presentation is read as the image information of a person, and the use of control process is read as the same concept as the controlling photo presentation).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Hanna et al., where controlling a photo

presentation, in the method of Zhang et al. in order to identifying objects or individuals in a passive way that is both fast and accurate (column 1, line 51-53).

(3) Regarding claims 7 and 18:

Zhang et al. disclose the method, where labeling the multiple faces (paragraph [0022], line 1-6, and paragraph [0074], line 6-8), (the labeling of multiple faces is read as the same concept as displaying a label for isolated objects of interest).

Zhang et al. do not explicitly mention the controlling of photo presentation based on the classification.

Hanna et al., in analogous environment, teaches a recognition system which obtains and analyze images, where controlling of photo presentation based on the classification (column 12, line 6-8, and line 18-22), (the photo presentation is read as the image information of a person, and the use of control process is read as the same concept as the controlling photo presentation).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Hanna et al., where controlling a photo presentation, in the method of Zhang et al. in order to identifying objects or individuals in a passive way that is both fast and accurate (column 1, line 51-53).

(4) Regarding claims 8 and 19:

Zhang et al. disclose all the subject matter as described in claim 1 above.

Zhang et al. do not explicitly mention the controlling of a zoom function based on the classification.

Hanna et al., in analogous environment, teaches a recognition system which

obtains and analyze images, where controlling the zoom function (column 11, line 12-13) based on the classification (column 12, line 6-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Hanna et al., where controlling the zoom function, in the method of Zhang et al. in order to identifying objects or individuals in a passive way that is both fast and accurate (column 1, line 51-53).

7. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. and Hanna et al., as applied to claims 6 and 17 above, and further in view of Mathe (US-PGPUB 2005/0060636).

Zhang et al. and Hanna et al. disclose all the subject matter as described in claims 6 and 17 above.

Zhang et al. and Hanna et al. do not explicitly mention that the photo presentation is slide presentation.

Mathe, in analogous environment, teaches a digital photo Album, where the Photo presentation is slide presentation (paragraph [007], line 9-11).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Mathe, where the Photo presentation is slide presentation, in the method of Zhang et al. in order to solve the problem of printing pictures by reducing cost, and it is much faster and easier to learn to use than a computer (paragraph [0007], line 11-13).

8. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhang et al. in view of Neff et al. (US 6,751,780).

Zhang et al. disclose all the subject matter as described in claim 1 above.

Zhang et al. do not explicitly mention that the user input drags an image of an object of interest into a display area associated with the classification.

Neff et al., in analogous environment, teaches a user interface for initiating the export of an optimized scanned document using drag drop, where the user input drags an image of an object of interest into a display area (See the Abstract), (the display area is read as scanner window) associated with the classification (column 5, line 48-51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Neff et al., where the user input drags an image of an object of interest into a display area, in the system of Zhang et al. in order to click on a selected region in a preview scan of a document and drag it to an open application or a desktop to launch an optimized final scan of the selected region (column 1, line 56-59).

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amara Abdi whose telephone number is (571)270-1670. The examiner can normally be reached on Monday through Friday 8:00 Am to 4:00 PM E.T..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amara Abdi/
Examiner, Art Unit 2624

/Jingge Wu/

Application/Control Number: 10/734,259

Page 10

Art Unit: 2624

Supervisory Patent Examiner, Art Unit 2624